

4 levy annually a tax not to exceed one half ($\frac{1}{2}$) mill for each such
 5 department, for the purpose of creating firemen's and policemen's
 6 pension funds; cities operating under commission form of govern-
 7 ment and having a population exceeding one hundred twenty-five
 8 thousand (125,000), may levy an additional tax not to exceed one-
 9 half ($\frac{1}{2}$) mill for each such department for such purpose; cities op-
 10 erating under city manager and having a population exceeding thirty-
 11 five thousand (35,000), may levy an additional tax not to exceed one
 12 mill for each such department for such purpose. All moneys derived
 13 from each tax so levied, and all moneys received as membership fees
 14 and dues, and all moneys received from grants, donations, and de-
 15 vises for the benefit of each fund shall constitute separate funds, to
 16 be known and designated as a policemen's pension fund and a fire-
 17 men's pension fund. No levy or collection of taxes for either of said
 18 funds shall be made so as to create or maintain a balance therein in
 19 excess of ten thousand dollars (\$10,000.00) at the end of any fiscal
 20 year.

1 **SEC. 2. Publication.** This act being deemed of immediate im-
 2 portance shall be in full force and effect from and after its passage
 3 and publication in the Des Moines Daily News and the Iowa Unionist,
 4 newspapers published at Des Moines, Iowa.

Approved April 3, A. D. 1924.

I hereby certify that the foregoing act was published in the Des Moines News April 7,
 1924, and the Iowa Unionist April 11, 1924.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 13

ELECTRIC TRANSMISSION LINES

S. F. 191

AN ACT to amend, revise, and codify sections thirty hundred thirty-nine (3039),
 fifty hundred twenty-seven (5027) to fifty hundred thirty-three (5033), inclusive,
 and fifty hundred thirty-seven (5037) to fifty hundred forty-three (5043), in-
 clusive, of the compiled code of Iowa, and section thirty hundred thirty-eight
 (3038) of the supplement to said code, relating to electric and other wires cross-
 ing railroad tracks and to electric transmission lines and franchises.

Be it enacted by the General Assembly of the State of Iowa:

That sections thirty-hundred thirty-nine (3039), fifty hundred twenty-
 seven (5027) to fifty hundred thirty-three (5033), inclusive, and fifty hun-
 dred thirty-seven (5037) to fifty hundred forty-three (5043), inclusive,
 of the compiled code of Iowa, and section thirty hundred thirty-eight
 (3038) of the supplement to said code are amended, revised, and codified
 to read as follows:

1 **SECTION 1. Franchise for electric transmission lines.** No individ-
 2 ual, company, or corporation shall erect, maintain or operate any
 3 transmission line, wire or cable along, over or across any public high-
 4 way or grounds outside of cities and towns for the transmission, dis-
 5 tribution, or sale of electric current, without first procuring from the
 6 board of railroad commissioners, or from the board of supervisors in

7 the county or each of the respective counties in which such trans-
8 mission line is to be constructed or operated, a franchise granting
9 authority so to do as in this chapter provided.

1 **SEC. 2. Petition for franchise.** Any person, corporation, or com-
2 pany authorized to transact business in the state including cities and
3 towns may file a verified petition asking for a franchise to erect, main-
4 tain, and operate a line or lines for the transmission, distribution, use
5 and sale of electric current outside cities and towns and for such
6 purpose to erect, use and maintain poles, wires, guy wires, towers,
7 cables, conduits, and other fixtures and appliances necessary for con-
8 ducting electric current for light, heat or power over, along, and across
9 any public lands, highways, streams, or the lands of any person, com-
10 pany, or corporation, and to acquire necessary interests in real estate
11 for such purposes.

12 Where the application is made to a board of supervisors the applicant
13 shall file a copy of such petition with the board of railroad commis-
14 sioners at least ten days before the time of the hearing thereon. The
15 board of railroad commissioners must furnish the applicant with a
16 certificate showing the fact with reference to the filing of such copy.

1 **SEC. 3. Petition to contain what.** The petition shall set forth:

- 2 1. The name of the individual, company, or corporation asking for
3 the franchise.
- 4 2. The principal office or place of business.
- 5 3. The starting points, routes, and termini of the proposed lines,
6 accompanied with a map or plat showing such details.
- 7 4. A general description of the public or private lands, highways,
8 and streams over, across, or along which any proposed line will pass.
- 9 5. General specifications as to materials and manner of construc-
10 tion.
- 11 6. The maximum voltage to be carried over each line.

1 **SEC. 4. Notice of hearing.** Upon the filing of such petition, the
2 board shall fix a date for hearing thereon and cause a notice, addressed
3 to the citizens of each county through which the proposed line or
4 lines will extend, to be published in one of the official newspapers of
5 each such county for two (2) consecutive weeks. Said notice shall con-
6 tain a general statement of the contents and purpose of the petition, a
7 general description of the lands and highways to be traversed by the
8 proposed line or lines, the date and place fixed for hearing thereon,
9 and that all objections thereto must be filed at least five days before
10 said date. Said hearing shall be not less than ten (10) days from the
11 date of the last publication and at the offices of the board before which
12 said matter is pending, unless a different place in such notice is
13 specified.

1 **SEC. 5. Objections—hearing.** Any person, company, city, town or
2 corporation whose rights or interests may be affected, shall have the
3 right to file written objections to the proposed improvement or to the
4 granting of such franchise, but all such objections shall be on file
5 with the board at least five days before the date fixed for said hearing.
6 The board may allow objections to be filed later in which event the
7 applicant must be given reasonable time to meet such late objections.
8 The board may examine the proposed route or cause any engineer se-
9 lected by it to do so. It shall consider said petition and any objections

10 filed thereto, and may hear such testimony as may aid it in determin-
11 ing the propriety of granting such franchise. It may grant such fran-
12 chise in whole or in part upon such terms, conditions and restrictions,
13 and with such modifications as to location and route, as may seem to
14 it just and proper. The petitioners shall pay all costs and expenses
15 of said proceeding including cost of publishing notice, before such
16 franchise shall become effective.

1 **SEC. 6. Form of franchise.** The commerce counsel shall prepare a
2 blank form of franchise for such purposes, which shall provide space
3 for a general description of the improvement authorized thereby, the
4 name and address of the person or corporation to whom granted, the
5 general terms and conditions upon which it is granted and such other
6 things as may be necessary. This blank form shall be filled out and
7 signed by the chairman of the board which grants the franchise, and
8 the official seal shall be attached. Such franchise shall be subject to
9 such regulations and restrictions as the general assembly from time
10 to time may prescribe, and to such rules, not inconsistent with statutes,
11 as the board of railroad commissioners may establish from time to
12 time.

1 **SEC. 6-a1. Valuation of franchise.** No financial consideration shall
2 be charged for such franchise. In fixing the value for rate making
3 purposes of the property of any person, company or corporation own-
4 ing it or operating under it no account shall be taken of, and no in-
5 creased value shall be allowed for, any such franchise, except that the
6 reasonable cost to the petitioners of obtaining said franchise may be
7 included in the cost of constructing said line.

1 **SEC. 6-a2. No exclusive rights; duration of franchise.** No exclusive
2 right shall ever be given by franchise or otherwise to any person,
3 company, corporation, town or city to conduct electrical energy, or to
4 place electric wires, along or over or across any public highway or
5 public place or ground; and no franchise or privilege shall ever be
6 granted for any such purpose for a longer period than twenty-five
7 years.

1 **SEC. 7. Franchise transferable—notice.** When any such electric
2 transmission line or lines are sold and transferred either by voluntary
3 or judicial sale, such transfer shall carry with it the franchise under
4 which the said improvement is owned, maintained or operated. If a
5 transfer of such franchise is made before the improvement for which
6 it was issued is constructed in whole or in part, such transfer shall
7 not be effective till the person, company or corporation to whom it was
8 issued shall file in the office of the board granting the franchise a
9 notice in writing stating the date of such transfer and the name and
10 address of the transferee.

1 **SEC. 8. Record of franchises.** The board granting the franchise
2 shall keep a record of all such franchises granted and issued by it,
3 when and to whom issued, with a general statement of the location,
4 route, and termini of the transmission line or lines covered thereby.
5 When any transfer of such franchise has been made as provided in
6 this chapter, the board shall also make note upon its record of the
7 date of such transfer and the name and address of the transferee.

8 Every person, company or corporation which secures a franchise
9 for transmission lines from any board of supervisors must file with

10 the board of railroad commissioners a copy of the order or resolution
11 granting the franchise, certified by the county auditor. The franchise
12 shall be effective when such copy is filed. When so filed the board of
13 railroad commissioners shall issue a statement showing that fact.

1 **SEC. 9. Acceptance of franchise implies consent to regulation.** Any
2 person, company, or corporation obtaining a franchise as in this chap-
3 ter provided or owning or operating under one shall be conclusively
4 held to an acceptance of the provisions thereof and of all laws relat-
5 ing to the regulation, supervision, or control thereof which are now
6 in force or which may be hereafter enacted, and to have consented to
7 such reasonable regulation as the commission may, from time to time,
8 prescribe. The provisions of this act shall apply equally to assignees
9 as well as to original owners.

1 **SEC. 10. Obtaining additional rights.** Any person, firm, or corpora-
2 tion owning a franchise granted under this chapter or previously
3 existing law, desiring to acquire extensions of such franchise, may
4 petition the board in the manner provided for the granting of a fran-
5 chise, and the same proceeding shall be had as on an original appli-
6 cation. Such petition shall be accompanied by the written consent of
7 the applicant that the provisions of all laws relating to public utilities,
8 franchises and transmission lines, or to the regulation, supervision or
9 control thereof which are then in force or which may be thereafter
10 enacted shall apply to its existing line or lines, franchises and rights
11 with the same force and effect as if such franchise had been granted
12 or such lines had been constructed or rights had been obtained under
13 the provisions of this chapter.

1 **SEC. 10-a1. Furnishing service.** Any city or town which owns or
2 operates a system for the distribution of electric light or power, and
3 which has obtained electric energy for such distribution from any
4 person or firm or corporation owning or operating an electric light
5 and power plant or transmission line, shall be entitled to have the
6 service reasonably needed by such municipality and its patrons con-
7 tinued at and for a reasonable rate and charge and under reasonable
8 rules of service.

9 It shall be unlawful for the owner or operator of such light and
10 power plant or transmission line to disconnect or discontinue such
11 service (except during non-payment of reasonable charges) so long
12 as such operator holds or enjoys any franchise to go upon or use any
13 public streets, highways or grounds.

14 And until the municipality and the operator shall agree upon a rate
15 or charge for such service the municipality shall pay and the operator
16 shall accept the rate provided in the expired contract if any existed,
17 and if none existed then the rate before paid. This shall be without
18 prejudice, however, to the right of either party to test in court or
19 before any lawfully constituted rate making tribunal the reasonable-
20 ness of such rate.

21 This section shall not apply if the original service to the municipality
22 was given in case of emergency or for any other temporary purpose.

1 **SEC. 11. Eminent domain—extent—procedure.** Any person, com-
2 pany, or corporation having secured a franchise as provided in this
3 chapter, shall thereupon be vested with the right of eminent domain
4 to such extent as may be necessary and as prescribed and approved

5 by the board, not exceeding one hundred (100) feet in width for right
6 of way and not exceeding one (1) acre in any one (1) location in addi-
7 tion to right of way for the location of transformer or other stations
8 to carry out the purposes of said franchise. If agreement can not
9 be made with the private owner of lands as to damages caused by the
10 construction of said transmission line, the same proceedings shall be
11 taken as provided for taking private property for works of internal
12 improvement.

1 **SEC. 12. Injury to person or property—burden of proof.** In case
2 of injury to any person or property by any such transmission line,
3 negligence will be presumed on the part of the person or corporation
4 operating said line in causing said injury, but this presumption may
5 be rebutted by proof. Such presumption shall not exist in favor of
6 employees of the person or corporation operating said transmission
7 line who are charged with or engaged in the construction, reconstruc-
8 tion, repair, or maintenance thereof, unless otherwise provided by the
9 employers' liability and workmen's compensation laws of the state.

1 **SEC. 13. Access to lines—damages to lands and crops.** Individuals
2 or corporations operating such transmission lines shall have reason-
3 able access to the same for the purpose of constructing, reconstruct-
4 ing, enlarging, repairing, or locating the poles, wires, or construction
5 and other devices used in or upon such line, but shall pay to the owner
6 of such lands and of crops thereon all damages to said lands or crops
7 caused by entering, using, and occupying said lands for said purposes.
8 Nothing herein contained shall prevent the execution of an agreement
9 between the person or company owning or operating such line and the
10 owner of said land or crops with reference to the use thereof.

1 **SEC. 14. Supervision of construction—location.** The board of rail-
2 road commissioners shall have power of supervision over the con-
3 struction of said transmission line and over its future operation and
4 maintenance. Said transmission line shall be constructed near and
5 parallel to the right of way of the railways of the state or along the
6 division lines of the lands, according to the government survey thereof,
7 wherever the same is practicable and reasonable, and so as not to
8 interfere with the use by the public of the highways or streams of the
9 state, nor unnecessarily interfere with the use of any lands by the
10 occupant thereof.

1 **SEC. 15. Manner of construction.** Such lines shall be built of strong
2 and proper wires attached to strong and sufficient supports properly
3 insulated at all points of attachment; all wires, poles, and other devices
4 which by ordinary wear or other causes are no longer safe shall be
5 removed and replaced by new wires, poles, or other devices, as the
6 case may be, and all abandoned wires, poles, or other devices shall be
7 at once removed. Where wires carrying current are carried across,
8 either above or below wires used for other service, the said transmis-
9 sion line shall be constructed in such manner as to eliminate, so far
10 as practicable, damages to persons or property by reason of said
11 crossing. There shall also be installed sufficient devices to automatic-
12 ally shut off electric current through said transmission line whenever
13 connection is made whereby current is transmitted from the wires
14 of said transmission line to the ground, and there shall also be pro-

15 vided a safe and modern improved device for the protection of said
16 line against lightning.

1 **SEC. 16. Distance from buildings.** No transmission line shall be
2 constructed, except by agreement, within one hundred (100) feet of
3 any dwelling house or other building, except where said line crosses
4 or passes along a public highway or is located alongside or parallel
5 with the right of way of any railway company. In addition to the
6 foregoing, each person, company, or corporation shall conform to any
7 other rules, regulations, or specifications established by the board of
8 railroad commissioners in the construction, operation, or maintenance
9 of such lines.

1 **SEC. 17. Lines along or crossing highway—danger label.** At any
2 crossing of any highway by such transmission line, the poles or towers
3 next to the highway shall be labeled with the following words: "Dan-
4 ger.volts electricity," filling in the voltage. The stroke
5 of said letters and numbers shall be at least four (4) inches in length
6 and not less than five-eighths ($\frac{5}{8}$) of an inch in width, and the color
7 of the letters and numbers shall be in contrast with the color of the
8 background. The said labels shall show the maximum number of
9 volts of electricity transmitted over said line, and shall face toward
10 the highway. Where said poles or towers are extended along said
11 highway and within the limits thereof or immediately adjacent there-
12 to, the sign herein prescribed shall be placed at least every quarter
13 of a mile. The board of railroad commissioners shall have power to
14 make and enforce such further and additional rules relating to location,
15 construction, operation, and maintenance of said transmission line as
16 may be reasonable.

1 **SEC. 18. Forfeiture of franchise for nonuser.** Unless the improve-
2 ment for which a franchise is granted is constructed in whole or in
3 part within two years from the granting thereof, it shall be forfeited
4 and the board which granted the franchise shall cancel and revoke
5 the same and make record thereof.

1 **SEC. 19. Forfeiture for violations.** If any person, company, or cor-
2 poration shall violate the provisions of this chapter or any rule estab-
3 lished for the construction, maintenance or operation of such electric
4 transmission line, and shall fail for ninety (90) days after notice from
5 the board to comply therewith, such board shall have power to cancel
6 and annul such franchise and order the removal of such line.

7 Provided, however, that if proceedings are commenced within said
8 ninety days in any court of competent jurisdiction to determine
9 whether the provisions of this chapter, or whether any rule estab-
10 lished for the construction or maintenance or operation of an electrical
11 transmission line, have been violated, or are legal and enforceable rules
12 or provisions, no forfeiture shall be declared or become effective if
13 within sixty days from the date of the final decree or judgment in
14 such proceedings the said rule or provisions have been fully complied
15 with and the cause of forfeiture removed.

1 **SEC. 21. Prior franchises not abrogated—legislative control.** Any
2 such franchise heretofore granted under previously existing law shall
3 not be abrogated by the provisions of this chapter, but all such fran-
4 chises and all franchises granted under the provisions of this chapter
5 shall be subject to further legislative control.

1 **SEC. 22. Violations—penalties.** Any person, company, or corpora-
2 tion constructing or undertaking to construct or maintain any electric
3 transmission line, without first procuring a franchise for such purpose
4 in accordance with the provisions of this chapter, shall be fined in
5 the sum of not less than one hundred dollars nor more than one thou-
6 sand dollars (\$1,000.00), and for violating any of the other provisions
7 of this chapter relating to electric transmission lines or disobeying
8 any order or rule made by the board of railroad commissioners in
9 relation thereto, shall be fined not exceeding one hundred dollars
10 (\$100.00).

1 **SEC. 23. Wire crossing railroad tracks—supervision.** The board
2 of railroad commissioners shall have general supervision over any and
3 all wires whatsoever crossing under or over any railroad track and
4 shall make rules prescribing the manner in which such wires shall
5 cross such track, but in no case shall the board of railroad commis-
6 sioners prescribe a less height for any wire than twenty-two (22) feet
7 above the top of the rails of any railroad track.

1 **SEC. 24. Wires across railroad right of way at highways.** The
2 board of railroad commissioners shall prescribe the manner for the
3 crossing of wires over and across railroad right of ways at highways
4 and other places within the state.

1 **SEC. 25. Wires must be strung in manner prescribed.** No corpora-
2 tion or person shall place or string any such wire for transmitting
3 electric current or any wire whatsoever across any track of a railroad
4 except in the manner prescribed by the board of railroad commis-
5 sioners.

1 **SEC. 26. Examination of wires already strung.** The board of rail-
2 road commissioners shall, either by personal examination or otherwise,
3 obtain information where railroad tracks are crossed by wires con-
4 trary to, or not in compliance with, the rules prescribed by it. It
5 shall order such change or changes to be made by the persons or cor-
6 porations owning or operating such wires as may be necessary to make
7 the same comply with said rules and within such reasonable time as
8 it may prescribe.

1 **SEC. 27. Penalty—enforcement.** Any person or corporation who
2 shall string or maintain any wire across any railroad track in this
3 state at a different height or in a different manner from that pre-
4 scribed by the board of railroad commissioners shall forfeit and pay
5 to the state the sum of one hundred dollars (\$100.00) for each separate
6 period of ten (10) days during which such wire is so maintained.
7 Such forfeiture shall be recovered in a civil action in the name of the
8 state by the commerce counsel, or by the county attorney of the county
9 in which such wire is situated, at the request of the board of railroad
10 commissioners.

1 **SEC. 28. Private right of way.** Nothing in this act shall prevent
2 any such individual or corporation having its high tension line on its
3 own private right-of-way on both sides of any highway, from crossing
4 such public highway under such rules and regulations as the board
5 of railroad commissioners may prescribe, and subject from time to
6 time to legislative control as to duration and use.

1 **SEC. 32. Publication clause.** This act being deemed of immediate
 2 importance shall be in full force and effect from and after its publica-
 3 tion in the Des Moines Capital and the Nonpareil, newspapers pub-
 4 lished in Des Moines and Council Bluffs, Iowa, respectively.

Approved April 25, A. D. 1924.

I hereby certify that the foregoing act was published in the Nonpareil, Council Bluffs, May 1, 1924, and the Des Moines Capital, April 30, 1924.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 14

COMMISSION ON LAND TITLES

H. F. 299

AN ACT to amend section three (3) of chapter three hundred twenty-six (326) of the acts of the fortieth general assembly, relating to the commission on land titles.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Commission on land titles.** That section three (3),
 2 chapter three hundred twenty-six (326) of the acts of the fortieth
 3 general assembly be and the same is hereby amended by striking out
 4 the words "to the special session of the fortieth general assembly, if
 5 any, and if not, ".

1 **SEC. 2. Publication.** This act being deemed of immediate impor-
 2 tance shall take effect from and after its publication in the Des Moines
 3 Register and the Des Moines Capital, newspapers published in Des
 4 Moines, Iowa.

Approved March 27, A. D. 1924.

I hereby certify that the foregoing act was published in the Des Moines Register March 29, 1924, and the Des Moines Capital March 28, 1924.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 15

BANKS AND BANKING

S. F. 326

AN ACT to amend, revise and codify sections fifty-seven hundred fifty (5750) and fifty-seven hundred fifty-six (5756) of the compiled code of Iowa and section fifty-seven hundred fifty-four (5754) of the supplement to the compiled code of Iowa, relating to the banking department.

Be it enacted by the General Assembly of the State of Iowa:

That sections fifty-seven hundred fifty (5750) and fifty-seven hundred fifty-six (5756) of the compiled code of Iowa, and fifty-seven hundred fifty-four (5754) of the supplement to the compiled code of Iowa is amended, revised, and codified to read as follows: